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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,328	12/18/2000	Arto Astala	017.38959X00	2244

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EXAMINER

BASOM, BLAINE T

ART UNIT	PAPER NUMBER
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2173

DATE MAILED: 03/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,328

Applicant(s)

ASTALA ET AL.

Examiner

Blaine Basom

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-23 and 26-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-23 and 26-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 21 October 2004 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

The Examiner acknowledges the Applicants' amendments to claims 1, 7-9, 12, 20, 28, the Applicants' cancellation of claims 6 and 24-25, and the Applicants' addition of new claims 34-56. Regarding independent claims 1, 12, 20, and 28, the Applicants argue that Mac OS 8.5, as discussed in the previous Office Action, fails to teach that accessing a second application results in the features of a first application being transformed to be displayed within a "non-selected" first active window, as added to each of these claims. In response, the Examiner presents the U.S. Patent of Bates (U.S. Patent No. 6,342,908, to Bates et al.), which as described below, teaches such a feature. The Applicants' arguments have thus been considered, but are moot in view of the following new grounds of rejection, which are required in response to the Applicants' amendments.

Claim Objections

Claims 5, 9, 12, 20, 28, and 38 are objected to because of the following informalities: In claim 5 the term, "browse," is objected to for being out of context; it is understood that "browser," or the like, is more appropriate. As per claim 9 the phrase, "is one of a system service application comprising," is considered confusing, and instead, "a system service application comprising one of a" is considered more appropriate. Regarding claim 12, the first "wherein" is considered unnecessary. Each of claims 20 and 28, by Applicants' amendment, comprises method steps, however, each of these claims is directed to a terminal with no

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suggestion of a method therein. As per claim 38, the phrase “shrunk image updated in a periodical manner” is objected for being grammatically incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 7, 10, 11, 16, 32, 36, 41, and 46 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Regarding claims 7, 10, 11, 16, and 32, there is no antecedent basis for “said first active window,” as the claim upon which each of these claims depends recites both a “selected first active window” and a “non-selected first active window.” With respect to claims 36, 41, and 46 there is no antecedent basis for “said selected personal active window.”

Double Patenting

Applicant is advised that should claims 39 and 42-43 be found allowable, claims 44 and 47-48 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. Similarly, should claim 54 be found allowable, claim 56 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so

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close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-2, 7, 10-13, 16-17, 20-21, 26-29, and 32-48 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,342,908, which is attributed to Bates et al. (and hereafter referred to as “Bates”). In general, Bates describes a method for displaying one or more windows on a computer display; each window is associated with a particular application, and is understood to display features of that application (for example, see column 1, line 29 – column 2, line 44). Bates particularly teaches designating a user-selected window or a newly created window as a focus window, whereby all other windows except this focus window progressively move away from the center of the computer display and decrease in size (for example, see column 2, lines 30-44).

Thus concerning claims 1, 12, 20, and 28, Bates is considered to teach: accessing a first application using a computer terminal; displaying the first application on a display of the

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terminal; and displaying features of the first application within a selected, i.e. focused, first active window. Bates further discloses that the user may access a second application, by selecting a window associated therewith or presumably starting the second application to create a window, wherein response, this window associated with the second application becomes the focus window and the first application window becomes non-focused, meaning that it progressively moves away from the center of the screen and decreases in size (for example, see column 6, line 48 – column 7, line 45). Accordingly Bates is further considered to teach: accessing a second application using the terminal, displaying the second application on the display and displaying features of the second application within a selected, i.e. focused, second active window of the terminal; and wherein accessing the second application results in the features of the first application being transformed to be displayed within a non-selected first active window, or in other words, a window that is not in focus. Bates thus teaches a method like recited in claims 1 and 12. Moreover, Bates teaches that this method may be implemented on computer having a display device, a controller, a user interface, and a browser that accesses a server (for example, see column 2, line 65 – column 5, line 65). Such a computer implementing the above-described method of Bates is considered a terminal, like recited in each of claims 20 and 28.

As per claims 2, 7, 13, 21, and 29, it is understood that each of the above-described windows displays features of the application associated therewith, even when not in focus (for example; see column 1, line 29 – column 27). These features are considered a visual representation of the associated application. Bates thus teaches a method like recited in claims 2, 7, 13, 21, and 29.

With respect to claims 10, 16, 17, 26, 32, and 33, Bates discloses that the user may access an application by selecting a window associated therewith, wherein response, this window becomes the focus window and is consequently displayed at its original size and position (for example, see column 6, lines 48-57; column 12, lines 40-49; and column 11, line 42 – column 12, line 20). Bates thus teaches that the user may select the above-described first active window, thus reaccessing the first application associated therewith and displaying the first application on the display, particularly within a focused window. Similarly, Bates teaches that the user may select the above-described second application window after displaying the first application, thus accessing the second application and displaying the second application.

Regarding claims 11 and 27, Bates discloses that a window which is not in focus automatically moves away from the center of the screen, as is described above. It is additionally understood that the user may move any window as desired (for example, see column 2, lines 12-24). Accordingly, Bates teaches relocating a position of the above-described first active window, like recited in claims 11 and 27.

Regarding claims 34-48, Bates teaches that a non-selected window, i.e. a window that is not in focus, progressively decreases in size while a focused window remains the same size, as is described above. A non-selected first active window thus becomes a shrunken image of a selected first active window. As it is understood that there is naturally some loss in terms of information displayed by the window as it decreases in size, a non-selected first active window is understood to become a partial image of a selected first active window. Bates discloses that each of the displayed windows, whether shrunken or not, are refreshed after preset time increments (for example, see column 10, lines 6-19). As the amount of this time increment is

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arbitrary, it is understood that the time increment may be set so that features of the windows are updated in a real time manner, or any other periodical manner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-19, 20-23, and 26-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mac OS 8.5, as described in the *Mac OS 8.5 Bible* authored by Lon Poole, and also over the U.S. Patent of Bates, as described above. Mac OS 8.5 is an operating system, which when executed on a personal computer, provides numerous services, such as for displaying GUI features and for opening applications (see the "Introduction" section).

Specifically regarding claims 1-5 and 7-19, a user of a personal computer running Mac OS 8.5 may use the computer to launch and access a first application (for example, see pages 149 and 150). It is understood that in response to launching an application, the application is displayed on the display, and that particularly, features of the application may be displayed within a first active window on the display. For example, in response to launching a browser application, a browser window displaying features of the browser is displayed within a browser window (see pages 469 and 470). Figure 17-27 (see page 470) shows such a browser window. As shown in figure 17-27, this browser window displays a visual representation of the browser

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application, and specifically comprises a URL link of the browser application (see pages 469-470). Additionally, the displayed features within the browser window comprise a partial view of the browser application, as evidenced by the scroll bars within the window of figure 17-27. The user may alternatively launch a system services application, specifically an email application, whereby in response, features of the email application are displayed within a window (see pages 459-461). A user of a computer running Mac OS 8.5 may have more than one application open at a time, the applications being simultaneously displayed via separate windows (for example, see pages 163 and 164). It is thereby understood that in addition to a first application, the user may access a second application using the computer, whereby features of the second application are displayed within a second window while features of the first application are displayed within a first window. It is understood that this second application may be a browser for Internet browsing (see pages 469 and 470), or a system services application, such as an e-mail application (see pages 459-461). Thus regarding the claimed invention, Mac OS 8.5 teaches: accessing a first application using a computer terminal; displaying the first application on the display of the terminal; displaying features of the first application within a first active window of the terminal; accessing a second application using the terminal, displaying the second application on the display, and displaying features of the second application within a second active window of the terminal. Mac OS 8.5, however, does not explicitly teach that the first and second active windows may be "selected" active windows, whereby accessing the second application results in the features of the first application being transformed to be displayed within a "non-selected" first active window, as is expressed in claim 1.

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Like Mac OS 8.5, Bates describes a method for displaying one or more windows on a computer display; each window is associated with a particular application, and is understood to display features of that application (for example, see column 1, line 29 – column 2, line 44). Bates particularly teaches causing non-selected windows, i.e. non-focused windows, to gradually decrease in size and move towards the border of the display, as is described above. Such a procedure particularly involves: accessing a first application using a computer terminal; displaying the first application on the display of the terminal; displaying features of the first application within a first selected active window of the terminal; accessing a second application using the terminal, displaying the second application on the display, and displaying features of the second application within a second selected active window of the terminal; wherein accessing the second application results in the features of the first application being transformed to be displayed within a non-selected first active window, as is described above.

It would have been obvious to one of ordinary skill in the art, having the teachings of Mac OS 8.5 and Bates before him at the time the invention was made, to modify Mac OS 8.5 such that non-selected windows gradually decrease in size and move towards the border of the display, as taught by Bates. It would have been advantageous to one of ordinary skill to utilize this combination, because gradually moving and decreasing the size of windows reduces clutter on the display, yet allows the user to efficiently find windows of interest, as is taught by Bates (for example, see column 1, line 29 – column 2, line 44). Accordingly, Mac OS 8.5, as modified by the teachings of Bates, is considered to teach a method like that recited in claims 1-5 and 7-19.

Regarding claims 20-23 and 26-33, a personal computer running Mac OS 8.5 comprises a browser that accesses a server, whereby a display device coupled to the browser displays a view of the browser application, and specifically displays features of a web page within a first window (for example, see pages 469-470). As is known in the art, such a personal computer comprises a user interface, which allows the user to interact with items displayed on the display device. The user may use such a user interface to select hyperlinks displayed within the browser window, for example (see pages 469-470). Figure 17-27 (see page 470) shows such a browser window. As shown in figure 17-27, this browser window displays a visual representation of a web page, and specifically comprises a URL link of the web page (see pages 469-470). Included within the features displayed in this browser window are various news stories (see figure 17-27 on page 470), which are considered to constitute a “notice board,” like that recited in claim 23. A user may use the browser to access several web pages, which may be simultaneously displayed in separate windows (for example, see the section entitled “Opening multiple browser windows” on page 474). Thus the browser can further access a second application, i.e. web page, the features of which are displayed within a second window while the features of a first web page are displayed within a first window. The user may select the first active window, whereby in response, the window is accessed and displayed on the display of the computer. For example, the user may select the first application, and consequently the window displaying the features of the first application, via an “Application Switcher” (see pages 165-167). It is understood that in response, the first application is accessed and displayed. The user may move the position of this application window within the computer display by dragging the title bar of the window (see pages 65 and 66). Mac OS 8.5 may thus involve: a browser that accesses a server; a display

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device coupled to the browser to display a view of a first application; a user interface coupled to the display device that allows a user to interact with items displayed on the display device to display on the display a first application including features of the first application within a first active window of the display device; and accessing a second application using the terminal, displaying the second application on the display, and displaying features of the second application within a selected second active window of the terminal. As described above, Bates further teaches that accessing the second application results in the features of the first application being transformed from a selected first active window to within a non-selected first active window of the terminal. Accordingly, a computer implementing Mac OS 8.5, as modified by the teachings of Bates, is considered a terminal like that recited in claims 20-23 and 26-33.

Regarding claims 34-48, Bates teaches that a non-selected window, i.e. a window that is not in focus, progressively decreases in size while a focused window remains the same size, as is described above. A non-selected first active window thus becomes a shrunken image of a selected first active window. As it is understood that there is naturally some loss in terms of information displayed by the window as it decreases in size, a non-selected first active window is understood to become a partial image of a selected first active window. Bates discloses that each of the displayed windows, whether shrunken or not, are refreshed after preset time increments (for example, see column 10, lines 6-19). As the amount of this time increment is arbitrary, it is understood that the time increment may be set so that features of the windows are updated in a real time manner, or any other periodical manner. Accordingly, the above-described combination of Mac OS 8.5 and Bates is considered to teach a method like recited in claims 34-38, and a terminal like recited in claims 39-48.

As per claims 49-56, Mac OS 8.5 further teaches that application windows, particularly those associated with browser applications, may comprise a display of a URL address of a selected web page, display content of the web page, a view of the web page, and a title of the web page (for example, see pages 469-470; and particularly figures 17-27 and 17-28 on page 470). Accordingly, the above-described combination of Mac OS 8.5 and Bates is considered to teach a method like recited in claims 49-52, and a terminal like recited in claims 53-56.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

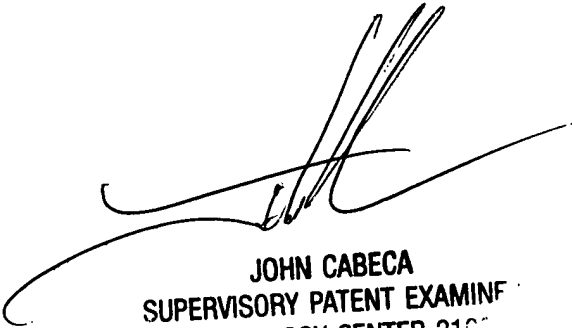
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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blaine Basom whose telephone number is (571) 272-4044. The examiner can normally be reached on Monday through Friday, from 8:30 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Cabeca can be reached on (571) 272-4048. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

btb



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